

Message Text

CONFIDENTIAL

PAGE 01 ADDIS 04257 171716Z

66

ACTION AID-20

INFO OCT-01 AF-10 ISO-00 L-03 PM-07 H-03 SS-20 IGA-02

CIAE-00 INR-10 NSAE-00 RSC-01 PA-04 PRS-01 USIA-15

DRC-01 (ISO) W

----- 085331

R 171413Z APR 74

FM AMEMBASSY ADDIS ABABA

TO SECSTATE WASHDC 8539

INFO AMCONSUL ASMARA POUCH

USCINCEUR

SECDEF WASHDC

C O N F I D E N T I A L ADDIS ABABA 4257

E.O.11652: GDS

TAGS: PFOR ET US EAID

SUBJ: FAA SECTION 32 - POLITICAL PRISONERS

SECDEF FOR ISA

REF: STATE 68545

SUMMARY. ETHIOPIA'S REVISED CONSITITUTION OF 1955 CONTAINS A BILL OF CIVIL RIGHTS WHICH HAS NOT INFREQUENTLY BEEN HONORED IN BREACH BY NOW DEFUNCT AKLILU GOVERNMENT. NEW ENDLAKACHEW GOVERNEMTN IS CHALLENGED TO DO BETTER. IT IS TAKING OFFICE IN A HIGHLY FLUID POLITICAL ENVIRONMENT. EXTENT TO WHICH IT CAN FREE ITSELF OF TRADITIONAL GOVERNMENTAL AND PALACE PRACTICES REMAINS MOOT. ITS INTENTION TO LIMIT IMPERIAL PERROGATIVES AND ENFORCE LAWS, INCLUDING THOSE GUARANTEEING CIVIL RIGHTS, HAS BEEN MADE PUBLIC. ENDLAKACHEW IEG WILL HAVE TO DO BETTER THAN ITS PREDECESSOR IF IT IS TO SURVIVE. WHETHER IT CAN REMAINS TO BE SEEN. IN THE CIR- CUMSTANCES, WE DO NOT BELIEVE SECTION 32 TO BE APPLICABLE TO ETHIOPIA AT THIS TIME, AND DO NOT THINK US INTERESTS WOULD BE SERVED BY HOLDING OTHERWISE. WE EXPECT TO REVIEW RECORD PERIODICALLY WITH RESPECT TO SECTION 32 OF FAA. END SUMMARY. THERE FOLLOWS EMBASSY'S ASSESSMENT REQUESTED REFTEL:

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 ADDIS 04257 171716Z

I. APPLICABILITY: 1) NOTWITHSTANDING CIVIL RIGHTS PROVISIONS

EMBODIED ETHIOPIA'S REVISED CONSTITUTION OF 1955, GOVERNMENT HEADED BY PRIME MINISTER ABLILU HABTE WOLDE SELASSIE WERE CONSIDERED TO HAVE BEEN ROUTINELY GUILTY OF AT LEAST INADEQUATE OBSERVANCE THESE PROVISIONS (CF NIS NOV. '68 SEC.56, ETC). THIS A MAJOR CONTRIBUTING CAUSE OF THAT GOVERNMENT'S RESIGNATION ON FEBRUARY 27, 1974.

2) RELEVANT INTENTIONS PROJECTED BY SUCCESSOR (CURRENT) IEG UNDER ENDALKACHEW MAKONNEN SPELLED OUT IN WHITE PAPER RELEASED APRIL 9. REMAINS TO BE SEEN, OF COURSE, WHETHER THEY WILL BE GIVEN EFFECT. PERTINENT PASSAGES IN WHITE PAPER QUOTED BELOW:

"RIGHTS AND OBLIGATIONS: IN ORDER TO SAFEGUARD THE HONOR AND INDEPENDENCE OF THE PEOPLE OF ETHIOPIA, WHICH OUR FOREFATHERS HAVE KEPT INTACT, AND IN ORDER ALSO TO UPLIFT THE SPIRITUAL AND MATERIAL WELL-BEING OF OUR PEOPLE BY EXTENDING TO THEM THE FULL ENJOYMENT OF THOSE FUNDAMENTAL HUMAN AND LEGAL RIGHTS PROVIDED FOR IN THE PRESENT CONSTITUTION, PARTICULARLY THE RIGHTS OF CONSCIENCE, SPEECH AND PEACEFUL ASSEMBLY, THE GOVERNMENT SHALL ENDEAVOR TO CONSOLIDATE FIRMLY THE ENJOYMENT OF THOSE RIGHTS."

FOLLOWING MESSAGE TAKEN FROM THE SAME DOCUMENT UNDER "ADMINISTRATION" IS ALSO RELEVANT:

"...SINCE GOVERNMENT AGENCIES ARE INSTITUTED TO PROVIDE SERVICES TO THE PUBLIC, A SPECIAL OFFICE SHALL BE ESTABLISHED TO HANDLE GRIEVANCES OF CITIZENS WHO FEEL THEY HAVE NOT RECEIVED THE SERVICES TO WHICH THEY ARE ENTITLED AND THAT THESE AGENCIES HAVE VIOLATED THEIR FUNDAMENTAL LEGAL RIGHTS..."

AND AGAIN UNDER "ADMINISTRATION OF JUSTICE":

"THE GOVERNMENT WILL UNDERTAKE THE NECESSARY MEASURES TO IMPROVE THE ADMINISTRATION OF JUSTICE AND TO OBTAIN FULL RESPECT FOR AND OBSERVANCE OF THE LAWS OF THE COUNTRY. STEPS WILL BE TAKEN TO REDUCE WASTEFUL LITIGATION, TO REFORM THE COURT SYSTEM AND TO ENSURE FULL IMPLEMENTATION OF THE LAWS OF THE COUNTRY."

3) INsofar AS PAST ETHIOPIAN GOVERNMENT NEGLIGENCE OR INFRACTIONS ARE CONCERNED, WHICH OPERATED TO BYPASS OR NULLIFY CONFIDENTIAL

CONFIDENTIAL

PAGE 03 ADDIS 04257 171716Z

THE RIGHTS AND DUE PROCESSES CLAUSES OF THE ETHIOPIAN CONSTITUTION, IT IS DIFFICULT TO SEPARATE PALACE FROM GOVERNMENT RESPONSIBILITIES. ONLY TIME WILL CONFIRM WHETHER ALTERED RELATIONSHIPS BETWEEN THE CROWN AND THE OTHER INSTRUMENTALITIES OF GOVERNMENT IN ETHIOPIA FLOWING FROM EVENTS WHICH HAVE TRIGGERED THE FALL OF THE ABLILU GOVERNMENT, APPOINTMENT OF THE ENDALKACHEW MAKONNEN CM AND PROJECTED CONSTITUTIONAL REFORMS, AS WELL AS NEW GOVERNMENTS'S WHITE PAPER ALREADY REFERRED TO WILL, AS NOW SEEMS HIGHLY

LIKELY, DIMINISH PERMANENTLY SCOPE AND NATURE OF EMPEROR'S PREROGATIVES. INTENTIONS OF ENDALKACHEW MAKONNEN ADMINISTRATION IN THAT RESPECT ARE ALSO CITED IN THE WHITE PAPER (UNDER "PRIORITY MEASURES") AS FOLLOWS:

"WITH THE VIEW TO INSTITUTING A CONSTITUTIONAL MONARCHY, THE GOVERNMENT WILL ASSIST THE CONSTITUTIONAL COMMISSION IN ALL ITS REQUIREMENTS SO THAT ITS STUDY OF CONSTITUTIONAL REFORM WILL BE COMPLETED AND THE RESULT OF ITS WORK SUBMITTED TO PARLIAMENT."

II. USG ACTION: EMBASSY IS OF VIEW THAT IN THE LIGHT OF TIDAL WAVE OF PUBLIC DEMAND FOR REFORMS WHICH IS SHAKING ETHIOPIAN INSTITUTIONS TO THEIR ROOTS, US ACTIONS AND/OR REPRESENTATIONS INTENDED TO MOVE NEW IEG TO CORRECT SINS OF THE OLD WOULD BE NEITHER TIMELY NOR APPROPRIATE.

III. IMPACT OF SECTION 32: ANACHRONISMS OF ETHIOPIAN TRADITIONAL POLITICAL PRACTICE ARE WELL KNOWN AND REQUIRE NO ELABORATION HERE. PRESUMABLY, THEY WILL NOT BE CORRECTED OVERNIGHT. INDICATORS OF NEW (ENDALKACHEW) GOVERNMENT'S APPROACH TO THIS PROBLEM INCLUDE TREATMENT OF STUDENTS AND PEACEFUL DEMONSTRATORS GENERALLY; HANDLING OF TENANT COMPLAINTS AGAINST LANDLORD ABUSES, ETC. WE WILL BE WATCHING THEM. NOT MERELY POLITICAL AND LEGAL, BUT PROFOUND SOCIAL TRANSFORMATIONS WILL SURELY PROVE NECESSARY BEFORE ETHIOPIAN GOVERNMENTAL PRACTICES CAN, AS A MATTER OF COURSE, CONSTANTLY REFLECT BEST IDEALS OF WESTERN JURISPRUDENCE AND CONSTITUTIONAL THINKING. THIS HAVING BEEN SAID, EMPIRE IS IN THROES OF A POLITICAL UPHEAVAL THAT HAS TOPPLED A GOVERNMENT AND IS CHALLENGING ITS SUCCESSOR TO INSTITUTIONALIZE PRECISELY THESE IDEALS. PEOPLE WHO ARE ARTICULATING THESE DEMANDS ARE LARGELY THOSE STEEPED IN THAT WESTERN THOUGHT, TRAINING AND EDUCATION WHICH HAVE BEEN THE FRUIT OF OUR CIVIL, INFORMATIONAL/CULTURAL AND MILITARY AID PROGRAMS OVER THE LAST TWO DECADES. WHETHER IT WAS OR WAS NOT OUR INTENTION, CONFIDENTIAL

CONFIDENTIAL

PAGE 04 ADDIS 04257 171716Z

THOSE PROGRAMS, BY EXPOSING THEIR PARTICIPANTS TO THESE WESTERN IDEALS AND TO THAT WESTERN CONSTITUTIONAL THOUGHT, HAVE BEEN MOST REVOLUTIONARY THING GOING IN ETHIOPIA AND, IN A SENSE, ARE NOW BEARING FRUIT.

CIVIL AND MILITARY ASSISTANCE TO ETHIOPIA ARE INSTRUMENTS OF US POLICY INTENDED TO SUPPORT US INTERESTS HERE. AS DEPARTMENT IS WELL AWARE, THESE INTERESTS RANGE FROM SPECIFIC (E.G. CONTINUING UNTRAMMELED OPERATION OF OUR KAGNEW FACILITY) TO THE GENERAL (VIZ. OUR COMMITMENT TO DEVELOPMENT). TO TERMINATE THEM BY APPLYING SECTION 32 IN CURRENT CIRCUMSTANCES -- VIZ. TO A NEW GOVERNMENT WHICH IS STILL TRYING TO ASSUME ITS RESPONSIBILITIES-- WOULD SURELY REDOUND TO DETRIMENT NOT ONLY OF US INTEREST BUT ALSO THOSE OF MANY ETHIOPIANS WITHOUT PERMITTING US TO APPLY LEVERAGE ADEQUATE TO TRANSFORMATION OF ETHIOPIAN SOCIETY AND GOVERNMENT WHICH IS IN COURSE BY WILL OF ETHIOPIA'S PEOPLES

BUT WHICH WILL TAKE TIME. WYMAN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL REPRESSION, HUMAN RIGHTS, FOREIGN ASSISTANCE, POLITICAL PRISONERS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 APR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974ADDIS04257
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740100-0600, D740089-0244
From: ADDIS ABABA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740438/aaaabhqc.tel
Line Count: 170
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION AID
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: STATE 68545
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 27 AUG 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27 AUG 2002 by rowelle0>; APPROVED <10 FEB 2003 by GolinoFR>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FAA SECTION 32 - POLITICAL PRISONERS SECDEF FOR ISA
TAGS: PFOR, EAID, PINS, ET, US
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005